

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

1,500 SQUARE FEET OF LAND, MORE
OR LESS, SITUATED IN THE CITY OF
HARRISBURG, DAUPHIN COUNTY,
COMMONWEALTH OF
PENNSYLVANIA, AND JOHN H.
CLARK, JR., *et al.*,

Defendants.

Civil No. 1:18-cv-533-DBS

(SMITH, J.)

Tract No. 07-026-014

STIPULATED FINAL JUDGMENT

Plaintiff United States of America and Defendants John H. Clark, Jr., Harold Clark, Anthony Clark, Estate of Raphael Clark, Estate of Dennis Clark, and Estate of Melvin Clark (collectively “Defendants”), hereby agree and stipulate, and the Court hereby **ORDERS, ADJUDGES, AND DECREES** as follows:

1. On March 7, 2018, the United States filed a Complaint in Condemnation (Dkt. 1) and a Declaration of Taking (Dkt. 2) in this eminent domain proceeding against approximately 1,500 square feet of vacant land in the City of Harrisburg, Pennsylvania.
2. The Declaration of Taking provides for the fee simple acquisition of Tax Map Parcel No. 07-026-014 (commonly known as 623 Harris Street) previously owned by the Defendants (“Subject Property”).

3. On April 9, 2018, the United States deposited into the registry of this Court its estimated just compensation for the taking in the sum of \$30,000.00. At that time, title to the Subject Property, to the extent set forth in the Declaration of Taking, vested in the United States by operation of law. 40 U.S.C. § 3114.
4. The Defendants have not requested the Court to withdraw any portion of the deposit during the pendency of this action. Accordingly, the full deposited amount of \$30,000.00, plus any applicable earned interest, remains in the Court's registry.
5. In order to settle this condemnation action, the parties agree that the just compensation payable by the United States for the taking of the Subject Property as described in the Declaration of Taking shall be the sum of \$30,000.00, inclusive of all costs and fees. Defendants are not represented by counsel in this matter.
6. **JUDGMENT** shall be, and is hereby, entered against the United States in the amount of \$30,000.00.
7. That said sum of \$30,000.00 shall be just compensation and in full satisfaction of any and all claims of whatsoever nature against the United States by reason of the institution and prosecution of this action and the taking of the Subject Property.

8. That said sum of \$30,000.00 shall be subject to all liens, encumbrances, and charges of whatsoever nature existing against the Subject Property at the time of vesting of title thereto in the United States, and all such liens, encumbrances, and charges of whatsoever nature shall be payable and deductible from the said sum.
9. As the United States has previously deposited \$30,000.00 as estimated just compensation, and that sum remains in the Court's registry, there is no deficiency between the amount deposited and the stipulated just compensation. Upon entry of this judgment and without further order of this Court, and pursuant to Fed. R. Civ. P. 67 and LR 67.1, the Clerk of the Court promptly shall disburse all sums related to this case on deposit in the Court's registry, together with any earned interest, in equal parts as follows, by issuing a check to each payee and mailing the check to each payee at the below address:

Name (Payee)	Address	Sum
John H. Clark, Jr.	40 Taylor Boulevard Harrisburg, PA 17103	\$5,000.00 plus interest
Harold Clark	1719 Glenside Drive Harrisburg, PA 17109	\$5,000.00 plus interest
Anthony Clark	12 Riverview Court Wylie, TX 75098	\$5,000.00 plus interest
Renee Slaughter as Administrator of the Estate of Raphael Clark	7818 Valleyview Ave. Harrisburg, PA 17112	\$5,000.00 plus interest

John H. Clark, Jr. as Executor of the Estate of Dennis Clark	40 Taylor Boulevard Harrisburg, PA 17103	\$5,000.00 plus interest
John H. Clark, Jr. as Administrator of the Estate of Melvin Clark	40 Taylor Boulevard Harrisburg, PA 17103	\$5,000.00 plus interest


10. Defendants warrant that they were the sole owners of the Subject Property at the date of taking, and that they have the exclusive right to the just compensation herein, excepting the interests of parties having liens or encumbrances of record and unpaid taxes and assessments, if any, and that no other party is entitled to the same or any part thereof by reason any unrecorded agreement.

11. In the event that any other party is ultimately determined by a court of competent jurisdiction to have any right to receive compensation for the Subject Property taken in this case, Defendants shall refund into the registry of the Court the compensation distributed herein, or such part thereof as the Court may direct, with interest thereon calculated in accordance with the provision of 40 U.S.C. § 3116, from the date of receipt of the deposit by Defendants to the date of repayment into the registry of the Court.

12. Defendants shall save and hold harmless the United States of America from all claims or liability resulting from any unrecorded leases or agreements affecting the Subject Property on the date of taking.
13. The parties agree to take no appeal from this Stipulated Final Judgment.
14. The parties shall be responsible for their own legal fees, costs, and expenses.
15. This Stipulated Final Judgment may be signed in counterparts.
16. Following disbursement of the above sums to Defendants, this case shall be closed.

IT IS SO ORDERED:

Dated: 8/26/18



The Honorable D. Brooks Smith
Chief Judge
United States Court of Appeals
for the Third Circuit

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THE UNDERSIGNED STIPULATE THAT THEY CONSENT TO THE ENTRY
OF THE PRECEDING JUDGMENT AND ORDER:

ON BEHALF OF PLAINTIFF UNITED STATES OF AMERICA:

DAVID J. FREED
UNITED STATES ATTORNEY

Dated: August 22, 2018

/s/ Samuel S. Dalke
Samuel S. Dalke (PA 311803)
Assistant United States Attorney
Middle District of Pennsylvania
228 Walnut Street, Suite 220
P.O. Box 11754
Harrisburg, PA 17108-1754
samuel.s.dalke@usdoj.gov
717-221-4482 (p)
717-221-4493 (f)

JEFFREY H. WOOD
ACTING ASSISTANT ATTORNEY GENERAL

Dated: August 22, 2018

/s/ Anthony C. Gentner
Anthony C. Gentner (MI P79535)
/s/ Eugene N. Hansen
Eugene N. Hansen (VA 48357) (DC 483638)
Trial Attorneys
United States Department of Justice
Environment and Natural Resources Division
P.O. Box 7611, Ben Franklin Station
Washington, D.C. 20044-7611
eugene.hansen@usdoj.gov
anthony.gentner@usdoj.gov
202-305-0301 (p)
202-514-8865 (f)

ON BEHALF OF DEFENDANTS IN PRO SE:

Dated: 7-25-18

John H. Clark Jr.
John H. Clark, Jr.,

Dated: _____

Harold Clark

Dated: _____

Anthony Clark

Dated: _____

Estate of Raphael Clark
C/O Renee M. Slaughter
Administrator

Dated: 7-25-18

John H. Clark Jr.
Estate of Dennis Clark
C/O John H. Clark, Jr.
Executor

Dated: 7-25-18

John H. Clark Jr.
Estate of Melvin Clark
C/O John H. Clark, Jr.
Administrator

ON BEHALF OF DEFENDANTS IN PRO SE:

Dated: _____
John H. Clark, Jr.,

Dated: 7/24/18 Harold E Clark SL
Harold Clark



Dated: _____
Anthony Clark

Dated: _____
Estate of Raphael Clark
C/O Renee M. Slaughter
Administrator

Dated: _____
Estate of Dennis Clark
C/O John H. Clark, Jr.
Executor

Dated: _____
Estate of Melvin Clark
C/O John H. Clark, Jr.
Administrator

ON BEHALF OF DEFENDANTS IN PRO SE:

Dated: _____
John H. Clark, Jr.,

Dated: _____
Harold Clark

Dated: 7/26/18 Anthony Clark
Anthony Clark

Dated: _____
Estate of Raphael Clark
C/O Renee M. Slaughter
Administrator

Dated: _____
Estate of Dennis Clark
C/O John H. Clark, Jr.
Executor

Dated: _____
Estate of Melvin Clark
C/O John H. Clark, Jr.
Administrator

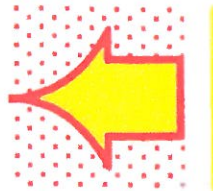
ON BEHALF OF DEFENDANTS IN PRO SE:

Dated: _____
John H. Clark, Jr.,

Dated: _____
Harold Clark

Dated: _____
Anthony Clark

Dated: July 23, 2018 _____
Estate of Raphael Clark
C/O Renee M. Slaughter
Administrator



Dated: _____
Estate of Dennis Clark
C/O John H. Clark, Jr.
Executor

Dated: _____
Estate of Melvin Clark
C/O John H. Clark, Jr.
Administrator